

211

Notice of Allowability	Application No.	Applicant(s)	
	10/685,274	SCHMIDT, ALBERT LEO	
	Examiner	Art Unit	
	Darren W. Gorman	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to communication filed 05 December 2006.
2. ☒ The allowed claim(s) is/are 21-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413B)
Paper No./Mail Date <u>20061215</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>Marked-up drawing page 3/3</u> . |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Brown on December 15, 2006. Please refer to form PTO-413B, Examiner-Initiated Interview Summary, mailed herewith, for a detailed explanation of the below amendments.

The application has been amended as follows:

In the claims:

- Claims 1-20 are canceled
- In claim 21, on line 12, "shaped in the form of" has been replaced with --including--
- In claim 21, on line 13, --and a cylindrical valve body defining an inner circumferential surface,-- has been inserted after "the valve actuator"
- In claim 21, on line 14, "cylindrical" has been replaced with --inner circumferential--
- In claim 21, on lines 16-18, "a valve actuator having an upper concave surface complementary to and at times in slidable contact with an outer surface of said spherical member," has been deleted
- In claim 21, on line 22, "end of the" has been deleted
- In claim 21, on line 24, "obtain" has been replaced with --maintain--
- In claim 23, on line 2, "Claim 201" has been replaced with --Claim 21--

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2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

- Figures 7 and 8 must include reference number “68”, which designates the inner circumferential surface of the valve body as disclosed on page 11 of the specification. Please refer to the enclosed marked-up page 3 of 3, which indicates in red ink where reference number “68” should be located in Figures 7 and 8 of Applicant’s Replacement Sheet.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

3. Claims 21-23 are allowed.

4. The following is an examiner’s statement of reasons for allowance: The prior art, alone or in combination, did not show or teach a showerhead including a regulator valve disposed within a lower portion of the bore, wherein the regulator valve includes a ball for slidable contact with the valve actuator and a cylindrical valve body defining an inner circumferential surface, and guide rails disposed about and spaced from the inner circumferential surface of the regulator valve, together with the other recited elements set forth in claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Price et al., Curtis, Goodrie, Hinderer, Hansen, Bucknell, Young, Canavan, Fiorentino, Wakeman et al., Anderson, Krizik, Arth, Jette, Lazarus, Moseley, Gonzalez, Ridenour, Reifenberger, Storm et al., and Engel, are cited as of interest.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Darren W Gorman
Examiner
Art Unit 3752

DWG 12/15/06
DWG
December 15, 2006

Kevin Shaver
KEVIN SHAWER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Marked-up Drawings

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FIG. 7

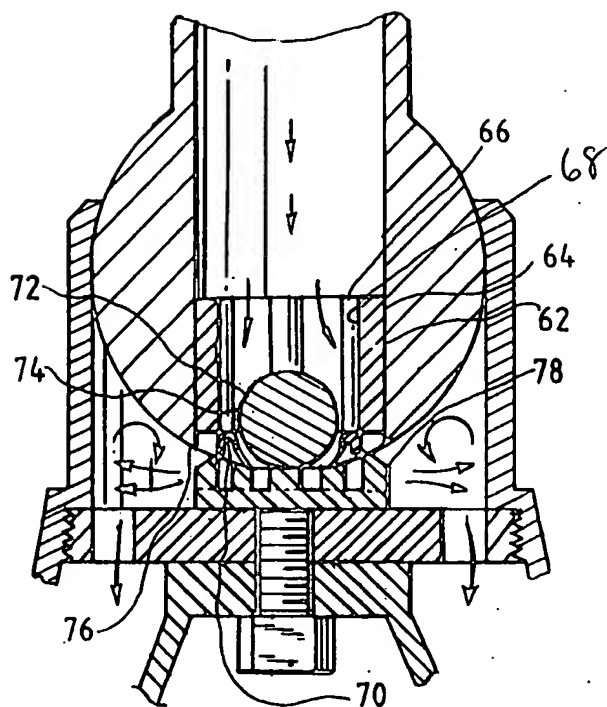


FIG. 9

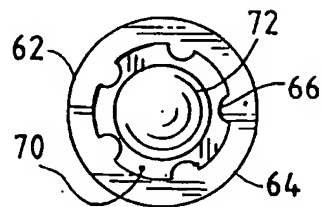


FIG. 10

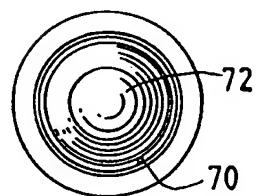


FIG. 8

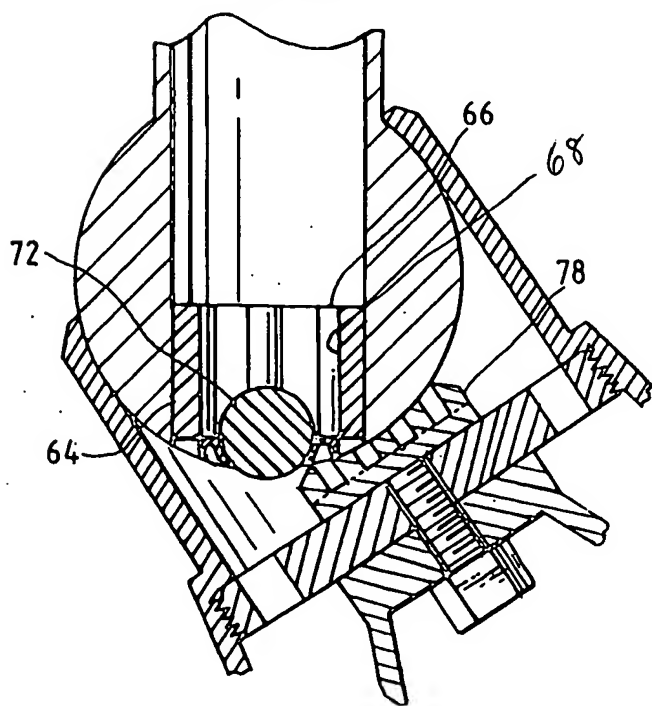


FIG. 11

